

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 1, 1997

H015151 BROTHERS INTERNATIONAL v. CONNOLLY, et al.

The judgment is affirmed. Costs are awarded to respondent. Respondent's request for sanctions is denied (not published) (Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)
Filed December 1, 1997

H015178 HEALTH NOW, INC, et al. v. LINUS PAULING INSTITUTE,
et al.; PAULING

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)
Filed December 1, 1997

H014260 PEOPLE v. JAICERIS

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)
Filed December 1, 1997

H015967 PEOPLE v. LOYOLA

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)
Filed December 1, 1997

TUESDAY, DECEMBER 2, 1997

H015833 BILLMEYER, as Trustee, etc. v. PLAZA BANK OF COMMERCE,
et al.; BEAL, et al.

The order denying claimants' third party claim is reversed. The trial court is directed to enter judgment (Sec 720.390) determining that (1) claimants' third party claim is valid, and (2) defendants have no judgment lien against 3240 Oakwood Court, Morgan Hill, California. Costs on appeal are awarded to claimants. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed December 2, 1997

H016953 IN RE SHARON A., et al., MINORS; DFCS v. SARAH A.

Mother's request for judicial notice is denied. The order terminating parental rights is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed December 2, 1997

H015342 PALMER, et al. v. ADELSON, et al.

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed December 2, 1997

H016273 PEOPLE v. BENITO TABALDO

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San Jose, California

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed December 2, 1997
Tuesday, December 2, 1997 (continued)

H015810 AJAGU v. INTERNATIONAL BUSINESS MACHINES, et al.

The judgment is affirmed. IBM and Wang are awarded costs on appeal. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)
Filed December 2, 1997

The Court met at Palo Alto City Hall, Council Chambers, 250 Hamilton Avenue, Palo Alto, CA.
Present: Premo, Acting P.J.; Elia, J., Wunderlich, J.; and Nancy M. Olea, Deputy Clerk.

H016175 PEOPLE v. DOAN

Cause is submitted without argument per appellant's request.

H015802 PEOPLE v. MICHAEL V.

Cause called and argued by Nadine Hansen appearing for appellant and by Eric D. Share, Deputy Attorney General, appearing for respondent. The court orders supplemental briefing from both parties simultaneously 7 days from the date of this hearing. Upon receipt of supplemental briefs this case is to be submitted.

H016404 LEWIS v. JOHNSON

Cause called and argued by Carol Pickard appearing for appellant and by James Roberts appearing for respondent. Cause ordered submitted.

Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m in its courtroom at Palo Alto City Hall, Council Chambers, 250 Hamilton Avenue, Palo Alto, CA. Present: Premo, Acting P.J.; Elia, J., Wunderlich, J.; and Nancy M. Olea, Deputy Clerk.

H016756 PEOPLE v. OSCAR E.

Cause called and argued by Kathryn Schlepphorst appearing for appellant and by Aileen Bunney, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H015784 WARD v. EL CAMINO

Cause called and argued by Gina De Vito appearing for appellant and by Thomas Still appearing for respondent. Cause ordered submitted.

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H015489 PEOPLE v. WHITE

Cause called and argued by Michael A. Kresser appearing for appellant and by Gregg Zywicke, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

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Tuesday, December 2, 1997 (continued)

H016279 PEOPLE v. CASTRO

Cause called and argued by Lori Quick appearing for appellant and by William J. Murphy, Certified Law Student, appearing for respondent. Cause ordered submitted.

H016626 DOLMAN v. DAY

Cause called and argued by John V. Day appearing for appellant and by Emily Kaplan appearing for Respondent. Cause ordered submitted.

Court is adjourned.

WEDNESDAY, DECEMBER 3, 1997

H016798 PEOPLE v. AMWEST SURETY INSURANCE COMPANY

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed December 3, 1997

H016839 PEOPLE v. SWEET

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed December 3, 1997

H016266 PEOPLE v. DANA H.

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed December 3, 1997

H016584 PEOPLE v. HERRERA

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed December 3, 1997

H016568 CHRISTOFFER v. DEPARTMENT OF MOTOR VEHICLE

The trial court's order denying Christoffer's petition for writ of mandate is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed December 3, 1997

H014610 PEOPLE v. WALLACE

The judgment is affirmed. (not published)
(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed December 3, 1997

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San Jose, California

THURSDAY, DECEMBER 4, 1997

H016192 PEOPLE v. SCRASE

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed December 4, 1997

H016510 BROWN v. FIMBRES, et al.

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed December 4, 1997

H016119 PEOPLE v. TRAN

The trial court's judgment is hereby modified to reflect that the sentence imposed on defendant was a single life term rather than two consecutive life terms. The total term imposed is therefore a nine-year determinate term and a consecutive indeterminate life term. The judgment shall also reflect that defendant shall be ineligible for parole until he has served 14 calendar years of his indeterminate life term. The trial court shall prepare an amended abstract of judgment reflecting this modified judgment and forward a certified copy of this abstract to the Department of Corrections. This modified judgment is affirmed. (published)
(Mihara, J.; I concur: Cottle, P.J.; and concurring opinion by Bamattre-Manoukian, J.)
Filed December 4, 1997

The Court met at Palo Alto City Hall, Council Chambers, 250 Hamilton Avenue, Palo Alto, CA. Present: Premo, Acting P.J.; Elia, J., Wunderlich, J.; and Judy Son, Deputy Clerk.

H015672 PEOPLE v. MIMA

Cause called and argued by Stephen Gibbs appearing for appellant and by Christopher W. Grove, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H015519 EGHBALI, et al. v. SAN FRANCISCO CHRONICLE, et al.

Cause called and argued by Michael Shea appearing for appellants and by Daniel McLennon appearing for respondent San Francisco News Agency and by Berry Wester appearing for Respondent Bay Area Rentals. Cause ordered submitted.

H015574 MATHEW PRESLEY, A Minor, et al. v. KAISER PERMANENTE HOSPITAL

Cause called and argued by Christine Johnson appearing for appellants and by Kennedy P. Richardson appearing for respondent. Cause ordered submitted.

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Thursday, December 4, 1997 (continued)

H016203 CITY OF SAN JOSE v. L.G. GROUP, INC.

Cause called and argued by Barton G. Hechtman appearing for appellant and by Clifford S. Greenberg, Deputy City Attorney, appearing for respondent. Cause ordered submitted.

H016018 TOMIKO SATO PAUL v. BRUNO PAUL

Cause called and argued by Dian Rodriguez appearing for appellant and by Hugh T. Thomson appearing for respondent. Cause ordered submitted. Court is adjourned.

FRIDAY, DECEMBER 5, 1997

H016205 MARRIAGE OF CAMBLIN

The order denying wife's motion to set aside the judgment is reversed. Costs on appeal are awarded to appellant. (not published)

(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)
Filed December 5, 1997

H015901 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed December 5, 1997

H015939 PEOPLE v. CLATA

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed December 5, 1997

H015282 IPS ENTERPRISES, INC. v. GALPHINE

H015859 IPS ENTERPRISES, INC. v. BT REDWOOD OFFICE PRODUCTS

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Elia, Acting P.J., Wunderlich, J.)
Filed December 5, 1997

H015620 PEOPLE v. HOLLIDAY

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)
Filed December 5, 1997

H016309 PEOPLE v. LACEY

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed December 5, 1997